

#13

December 5, 2006

**BOARD OF SUPERVISORS
ACTION ITEM**

**SUBJECT: Rural Policy Area Amendments
ZOAM 2005-0002, ZMAP 2005-0042, ZMAP 2006-0002, DOAM 2005-0003**

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the Pleasure of the Board

ELECTION DISTRICTS: Countywide

RECOMMENDATIONS:

Planning Commission:

The Planning Commission recommended adoption of the draft text, including specific recommendations for proposed changes as addressed in its March 20, 2006 report to the Board of Supervisors.

Staff:

Staff recommends adoption of the attached amendments, subject to resolution of outstanding issues addressed in this staff report and acceptance of staff changes made to the draft.

I. BACKGROUND:

As part of an on-going comprehensive countywide remapping effort and in response to a ruling by the Virginia Supreme Court, and subsequent order from the Circuit Court invalidating the January 6, 2003 remapping of the Rural Policy Area, on November 17, 2005 the Board of Supervisors adopted a resolution stating its intention to revise the AR-1 and AR-2 zoning districts, to remap those districts, to adopt new optional RR-1 and RR-2 zoning districts, and to adopt other zoning ordinance amendments, subdivision ordinance amendments, and comprehensive plan amendments. The Board of Supervisors held a public hearing on June 7 and 10, 2006. The Board adopted amendments to the comprehensive plan (CPAM 2005-0005) on September 6, 2006 and voted to hold another public hearing on ZMAP 2005-0042, ZMAP 2006-0002 and ZOAM 2005-0002 to receive comments regarding a proposal to increase the density of cluster developments in the AR-1 and AR-2 districts, to amend the Zoning Ordinance text to accommodate such changes (ZOAM 2005-0002), and to receive comments regarding the proposed remappings (ZMAP 2005-0042 and ZMAP 2006-0002). The Board held a public hearing on November 29, 2006 at which 102 persons spoke in the Board of Supervisors' meeting room and 16 persons taped comments in the Lovettsville Room regarding the issues. At the conclusion of the public hearing, the Board voted (8-0-1, Tulloch absent) to forward applications ZMAP 2005-0042, ZMAP 2006-0002, ZOAM 2005-0002 and DOAM 2006-0003 to its December 5, 2006 Business Meeting for discussion and possible action.

II. ISSUES:

Several issues were raised at the November 29, 2006 public hearing:

- A. Kennel – A speaker commented that kennels should be a by-right use. The ordinance currently permits Kennels by Minor Special Exception and Indoor Kennel by right in the AR-1 and AR-2 districts. Based on Board discussion at the July 5, 2006 Committee of the Whole meeting, the draft text was changed to incorporate Indoor Kennel use as a Minor Special Exception use and Kennel use as a full Special Exception use and it was advertised as such. An amendment to Section 5-606, the Additional Regulations relating to simplifying Kennel regulations, was discussed during the July 5, 2006 Committee of the Whole meeting. Staff recommends that the Annual Review incorporate language to clarify that the keeping of more than 6 dogs or cats for other than personal use be considered a kennel. At this time, the Board should clarify as to whether Kennel and Indoor Kennel should be by right, minor special exception or full special exception uses.
- B. Special Events and Private Parties. A number of speakers raised issues regarding the hosting of weddings and other gatherings. The Board has asked for further information regarding this subject. At the July 5, 2006 Committee of the Whole meeting, the Board directed staff to amend the draft text to allow Bed and Breakfasts and Country Inns by right if they only have sleeping rooms, but to require a Minor Special Exception for those venues that host private parties. The draft requires a Bed and Breakfast or Country Inn to obtain approval as a Banquet Facility, a Minor Special Exception use, to host private parties. Sections 5-500(C), 5-600, and the definitions section have been revised to incorporate Board direction given during meetings of the Committee of the Whole, including changing Rural Retreat and Rural Resort from a by right use to a minor special exception use. As the Board wanted only those facilities with rooms to be by right, staff drafted language to require a Country Inn with a restaurant open to the public to be a Minor Special Exception use. Staff, acknowledging that small gathering rooms sized to accommodate guests of the establishment could be used for meetings, small gatherings and other “private parties,” drafted the ordinance to include language to allow Bed and Breakfasts and Country Inns to host private parties with the maximum number of attendees equivalent to the approved sleeping capacity of the establishment.

Currently, the existing Special Events section of the ordinance, Section 5-500(C), allows a Bed and Breakfast or Country Inn to host up to 10 “special events” per year with 30 days between events. The proposed amendments would remove weddings and other such gatherings, etc. from the definition of Special Event, thus removing the currently allow 10 event per year and the requirement to obtain approval as a Banquet Facility.

For reference the Planning Commission recommendations, Zoning Ordinance Review Committee recommendations, and Rural Economic Development Council recommendations have been included in Attachments 4-6.

- C. Mapping Issues. Several speakers raised mapping issues that the Board may want to address. These issues centered around properties currently zoned CR, RC, and A-3 that are proposed to be remapped to AR-1.

III. OTHER ISSUES

Attachment 9a summarizes issues identified by staff as contained in the Staff Report for the November 29, 2006 public hearing. The Board should provide direction on each of these issues.

- VI. MINOR SPECIAL EXCEPTION CHECKLIST.** A draft checklist for the Minor Special Exception application has been included for your review. This checklist is proposed to be used for *uses* that require a Minor Special Exception and for *modification requests* to Section 5-600. The Planning Director can waive requirements that are not applicable to the request. [Attachment 9b]

DRAFT MOTIONS:

1. I move that the Board of Supervisors approve adoption of the attached resolution adopting proposed amendments identified as ZOAM 2005-0002, ZMAP 2005-0042, ZMAP 2006-0002 and DOAM 2005-0003 as set forth in Attachment 2 and 3

OR,

2. I move an alternate motion.

ATTACHMENTS:

1. Draft Resolution
2. Draft Zoning Ordinance Amendment Text
3. Draft Land Subdivision and Development Ordinance Text
4. Planning Commission Recommendations dated March 20, 2006
5. ZORC Recommendations dated September 8, 2005 (Sections 5-500 and 5-600)
6. REDC Letter dated November 10, 2005
7. Build out figures
8. Matrix of Comparison of Amendments
- 9a. Staff Issues
- 9b. Draft Minor Special Exception Checklist
- 9c. Proposed Amendments to Landscaping Standards
10. Proposed Zoning Map #2006-052

DEPARTMENT CONTACTS:

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